NOTIFICATION.

(LAW DEPARTMENT)

No LAW 136 LCR 1963, dated Bangalore, the 22nd March 1963.

Ordered that the accompanying Notification No G.S R. 325, dated the 22nd February 1963, of the Ministry of External Affairs, issuing the text of Treaty of Extradition between the Government of India and the Government of Nepal, which has been published in the *Gazette of India*, Extraordinary, Part II, Section 3, sub-section (i), dated the 22nd February 1963, be republished in the *Mysore Gazette*, for general information

By Order and in the name of the Governor of Mysore,

S SRIPADARAJ, *Under Secy. to Govt., L D.*

GOVERNMENT OF INDIA.

MINISTRY OF EXTERNAL AFFAIRS

ORDER

New Delhi, the 22nd February 1963.

G S R 325—Whereas the Treaty of Extradition between the Government of India and the Government of Nepal 1963 provides as follows

Article 1—The two Governments hereby engage on a basis of strict reciprocity to deliver up to each other those persons, who, being accused, or convicted, of a crime committed in the territory of one Government shall be found within the territory of the other Government, under the circumstances and conditions stated in the present Treaty.

Article 2—Neither Government shall be bound in any case to surrender any person who is not a national of the country by the Government of which the requisition has been made, except where such person is accused of having committed the offence specified in clause (10) of Article 3.

Article 3 —The offences for which extradition is to be granted in accordance with this Treaty are the following, namely —

(1) Murder or attempt or conspiracy to murder
(2) Culpable homicide not amounting to murder
(3) Grievous hurt
(4) Rape
(5) Dacoity
(6) Highway robbery
(7) Robbery with violence
(8) Burglary or house breaking
(9) Arson.
(10) Desertion from Armed Forces.
(11) Offences against the laws prohibiting the Export and Import of goods.
(12) Embezzlement by public officers
(13) Serious theft, that is to say, cases of theft where violence has been used or where the value of the property stolen exceeds Rs 500 and cattle stealing
(14) Abduction or kidnapping
(15) Forgery and the use of what is known to be forged, counterfeiting or altering money, uttering or bringing into circulation counterfeited or altered money
(16) Receiving of illegal gratification by a public servant
(17) Escaping from custody while undergoing punishment after conviction for any of the offences specified in clauses (1) to (16)

Article 4 —In no case shall either Government be bound to surrender any person accused of an offence except upon a requisition duly made by or under the authority of the Government in whose territories the offence is alleged to have been committed and also upon such evidence of criminality as according to the laws of the country in which the accused person shall be found, would justify the apprehension and sustain the charge if the offence had been there committed.

Article 5 —Neither Government shall be bound to surrender any person if the offence in respect of which the surrender is demanded be of a political character or if he proves that the requisition for his surrender has in fact been made with a view to trying or punishing him for an offence of a political character

Article 6 —Extradition shall not take place if the person whose extradition is claimed by one of the Governments has already been tried and discharged or punished or is still under trial in the territory of the other Government for the crime for which extradition is demanded

Article 7 —If the person whose extradition is claimed by one Government is under trial for any crime in the territory of the other, his extradition may be deferred until the conclusion of the trial

Article 8 —A person surrendered shall in no case be detained or tried in the territory of the Government to which the surrender has been made for any other crime or on account of any matter other than those for which extradition has taken place until he has been restored or had an opportunity of returning, to the territory of the Government from which he was surrendered

Article 9 —If evidence sufficient to justify the extradition is not produced within two months from the date of apprehension of the fugitive or within such further period as may be allowed by the Government to which the requisition for extradition has been made or by the Court before which the evidence is to be produced, the fugitive shall be set at liberty

Article 10 —The expenses of any apprehension, detention or surrender made in pursuance of this Treaty shall be borne and defrayed by the Government making the requisition

Article 11 — This Treaty supersedes and cancels all previous Treaties, Agreements and Engagements on the subject

Article 12 —This Treaty shall come into force without ratification, one month after the date of signature by both parties and may be terminated by either party by giving one year's notice ,

Now, therefore, in exercise of the powers conferred by sub-section(1) of section 3 of the Extradition Act 1962 (34 of 1962), the Central Government hereby directs that the provisions of the said Act, other than Chapter III, shall apply to Nepal with effect from the 22nd day of February, 1963

[No FL/442(6)/62.]

Dr K KRISHNA RAO, Director.